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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BARRY W. CHAPIN, ESQ. CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE, SUITE 280 WESTBOROUGH, MA 01581			EXAMINER KHOSHNOODI, FARIBORZ	
			ART UNIT 2164	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,436	Applicant(s) LI ET AL.	
	Examiner FARIBORZ KHOSHNOODI	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to amendment

1. Applicant's arguments/amendments with respect to pending claims 1-22 filed February 22, 2008 have been fully considered but they are persuasive. Therefore, the rejection has been withdrawn. Hence, this office action is marked as "Non-Final".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claim 22 is rejected under 35 U.S.C. 101 because the components claimed, (i.e., A computer program product) is interpreted as being implemented by software (Specification, in page 19, paragraph 75: "any type of computer readable medium, storage or memory system". Software per se, does not fall within a statutory category of patentability. Appropriate correction required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-20, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hefetz et al. United States Patent Publication No. 20040123238 A1 in view of Kniest United States Patent Publication No. 2002/0156864 A1.

As per claim 1:

Hefetz et al. teach a method comprising: **receiving a request for the portal from a client system** (*Par. 33 lines 2-4*); **accessing a portal template in response to the request, the portal template having at least one dynamic portion** (*Par. 55*) ; **including into the at least one dynamic portion of the portal template** (*Par. 6*), **and information about content availability to generate a portal page** (*Par. 28*); **and providing the portal page to the client system** (*Par. 33*) .

Hefetz et al. do not explicitly disclose for the links to content cached. However, Kniest Teaches a system, **wherein links to content cached in the content engine** (*See Kniest Par. 306*) .

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Hefetz et al. to have the links to content cached. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Hefetz et al. and Kniest before him/her, to modify the system of Hefetz et al. to include the links to content cached of Kniest, since it is suggested by Kniest such that, the user can select the current page to download and track of how long the page has been displayed or read and if it is long enough the WebAngel would search the current page and easily forward cache process from there (*See Kniest Par 309*).

As per claim 3:

Hefetz et al. as modified teach a method, **wherein the step of including links to content cached in the content engine** (*See Kniest Par. 306*) **further comprises the steps of: checking a replication status of the content engine to determine available cached content** (*See Hefetz et al. Par. 28 and Kniest Par. 306*); **and including into the at least one dynamic portion of the portal template links to content found in the replication status** (*See Hefetz et al. Par. 38*).

As per claim 4:

Hefetz et al. as modified teach a method further comprising **the step of hiding at least one link to content not found in the replication status in the at least one dynamic portion of the portal template** (*See Hefetz et al. Par. 58 and Kniest Par. 306*).

As per claim 5:

Hefetz et al. as modified teach a method, **wherein the portal template includes at least one applet and the step of including links into the portal template comprises running the at least one applet to acquire at least one pointer to content cached in the content engine** *(See Hefetz et al. Par. 9 and Kniest Par. 306)*.

As per claim 6:

Hefetz et al. as modified teach a method further comprising **the step of providing the portal template having at least one applet to the client system and wherein the client system instantiates the portal template including at least one applet and executes the at least one applet to acquire content cached in the content engine** *(See Hefetz et al. Par. 12 and Kniest Par. 306)*.

As per claim 7:

Hefetz et al. as modified teach a method, **wherein the step of accessing the portal template further comprises reading a template stored in the content engine** *(See Hefetz et al. Par. 36 lines 7-17 and Kniest Par. 306)*.

As per claim 8:

Hefetz et al. as modified teach a method, **wherein the step of accessing the portal**

template further comprises accessing a template stored at a portal page server in the content distributed network (*See Hefetz et al. Par. 32*).

As per claim 9:

Hefetz et al. as modified teach a method, **wherein the request is a redirected request from the client system, redirected away from a central site and to the content engine by a content router in the content distributed network** (*See Hefetz et al. Par. 36 and Kniest Par. 306*).

As per claim 10:

Hefetz et al. as modified teach a method, **wherein the request is a search request and the method further comprises the steps of: querying a central server in response to the search request** (*See Hefetz et al. Par. 37*); **and receiving a list of files in response to querying the central server** (*See Hefetz et al. Par. 4*); **and wherein the step of including links to content further comprises including links to files from the list cached in the content engine** (*See Hefetz et al. Par. 6 and Kniest Par. 306*).

As per claim 11:

Hefetz et al. as modified teach a method, **wherein the request is received at the content engine based on a network location of the content engine with respect to the client system** (*See Hefetz et al. Par. 32 and Kniest Par. 306*).

As per claim 12:

Hefetz et al. teach a method comprising: **receiving a request for the channel portal from a client system** (*Par. 33 lines 2-4*); **accessing a channel portal template in response to the request, the channel portal template having at least one dynamic portion** (*Par. 55*); **including into the at least one dynamic portion of the channel portal template** (*Par. 6*), **and information about content availability to generate a portal page** (*Par. 28*); ; **and providing the channel portal page to the client system** (*Par. 33*)

Hefetz et al. do not explicitly disclose for the links to content cached. However, Kniest Teaches a system, **wherein links to content cached in the content engine** (*See Kniest Par. 306*).

As per claim 13:

Hefetz et al. as modified teach a method comprising: **checking a replication status of the content engine to determine channel content available at the content engine** (*See Hefetz et al. Par. 28 and Kniest Par. 306*) .; **and including into the at least one dynamic portion of the channel portal template links to channel content found in the replication status to generate the channel portal page** (*See Hefetz et al. Par. 38*) .

As per claim 14:

Hefetz et al. as modified teach a method, **wherein the request includes a search query**

for content in the channel, wherein the channel portal template includes an applet accepting a first input of the search query and a second input of a list of content in the channel and wherein the step of including links to content further includes the steps of: executing the applet to find content matching the search query (See Hefetz et al. Par. 38 and Kniest Par. 306); determining whether the content matching the search query is cached at the content engine (See Hefetz et al. Par. 6 and Kniest Par. 306); and including into the at least one dynamic portion of the channel portal template links to channel content cached at the content engine (See Hefetz et al. Par. 3 Kniest Par. 306).

As per claim 15:

Hefetz et al. teach a system comprising: **a network interface to receive a request for a portal from a client system (Par. 33 lines 1-4); a storage device to store content from the content distributed network and a portal template having at least one dynamic portion (Par. 57), a controller coupled to the interface and the storage device, the controller configured to access the portal template in response to the request, to include in the at least one dynamic portion of the portal template (Par. 6), and information about content availability to generate a portal page (Par. 28), and to provide the portal page to the client system (Par. 33).**

Hefetz et al. do not explicitly disclose for the links to content cached. However, Kniest Teaches a system, **wherein links to content cached in the content engine (See Kniest Par. 306).**

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Hefetz et al. to have the links to content cached. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Hefetz et al. and Kniest before him/her, to modify the system of Hefetz et al. to include the links to content cached of Kniest, since it is suggested by Kniest such that, the user can select the current page to download and track of how long the page has been displayed or read and if it is long enough the WebAngel would search the current page and easily forward cache process from there (*See Kniest Par 309*).

As per claim 16:

Hefetz et al. as modified teach a method, **wherein the storage device further includes a replication status of the content engine and the controller is further configured to check the replication status to determine available cached content** (*See Hefetz et al. Par. 28 and Kniest Par. 306*), **the controller further to include into the at least one dynamic portion of the portal template links to content found in the replication status** (*See Hefetz et al. Par. 38 and Kniest Par. 306*).

As per claim 17:

Hefetz et al. as modified teach a method, **wherein the portal template includes at least one applet and the controller is further configured to run the at least one applet to acquire at least one pointer to content cached in the content engine** (*See Hefetz et al. Par. 9 and Kniest Par. 306*).

As per claim 18:

Hefetz et al. as modified teach a method, **wherein the portal is a channel portal and the portal template is a channel portal template and the controller is further configured to include into the at least one dynamic portion of the channel portal template links to content cached in the content engine to generate a channel portal page** (*See Hefetz et al. Par. 6 and Kniest Par. 306*).

As per claim 19:

Hefetz et al. as modified teach a method, **wherein the storage device further stores a replication status of the content engine and the controller is further configured to check the replication status to determine channel content available at the content engine and to include into the at least one dynamic portion of the channel portal template links to channel content found in the replication status to generate a channel portal page** (*See Hefetz et al. Par. 38 and Kniest Par. 306*).

As per claim 20:

Hefetz et al. as modified teach a method, **wherein the request includes a search query for content in the channel, wherein the channel portal template includes an applet that accepts a first input of the search query and a second input of a list of content in the channel, and wherein the controller is further configured to execute the applet to find content matching the search query, to determine whether the content matching the search**

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query is cached at the content engine, and to include into the at least one dynamic portion of the channel portal template links to channel content cached at the content engine (*See Hefetz et al. Par. 3 and Par. 6 and Par. 38 and Kniest Par. 306*).

As per claim 22:

Hefetz et al. teach a **computer program product having a computer-readable medium including computer program logic encoded thereon that, when performed on a computer system having a coupling of a memory, a processor, and at least one communications interface, provides a method for dynamically providing a Web portal in a content distributed network by performing the operations of: receiving a request for the portal from a client system** (*Par. 33*); **accessing a portal template in response to the request, the portal template having at least one dynamic portion** (*Par. 55*); **and providing the portal page to the client system** (*Par. 33*); **including into the at least one dynamic portion of the portal template** (*Par. 6*); **information about content availability to generate a portal page** (*Par. 28*).

Hefetz et al. do not explicitly disclose for the links to content cached. However, Kniest Teaches a system, **wherein links to content cached in the content engine** (*See Kniest Par. 306*).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Hefetz et al. to have the links to content cached. This modification would have been obvious because a person having ordinary skill in the art, at the

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time the invention was made, having the teachings of Hefetz et al. and Kniest before him/her, to modify the system of Hefetz et al. to include the links to content cached of Kniest, since it is suggested by Kniest such that, the user can select the current page to download and track of how long the page has been displayed or read and if it is long enough the WebAngel would search the current page and easily forward cache process from there (*See Kniest Par 309*).

6. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hefetz et al. United States Patent Publication No. 20040123238 A1 in view of Kniest United States Patent Publication No. 2002/0156864 A1 as applied to claims 1, 3-20, and 22 and further in view of Anuszczyk et al. United States Patent Publication No. 2003/0110253 A1.

As per claim 2:

Hefetz et al. as modified teach a method, **wherein including information about content availability** (*See Hefetz et al. Par. 28*) ; **and writing a list of files that remain to be downloaded to the portal page with an indicator of unavailability** (*See Hefetz et al. Par. 45*) .

Hefetz et al. do not explicitly disclose for the comparison of contents. However, Anuszczyk et al. teach a method, **further comprises the steps of comparing a replication status to a catalog of files carried in the content engine to determine what files are locally cached and what files remain to be downloaded** (*See Anuszczyk et al. Par. 148*) .

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in combination of Hefetz et al. and Kniest to have the

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comparison of contents. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of combination of Hefetz et al. and Kniest and Anuszczyk et al. before him/her, to modify the system of combination of Hefetz et al. and Kniest to include the comparison of contents of Anuszczyk et al., since it is suggested by Anuszczyk et al. such that, they can easily determine the differences in the contents (*See Anuszczyk et al. Par. 148*).

7. Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hefetz et al. United States Patent Publication No. 20040123238 A1 in view of Kniest United States Patent Publication No. 2002/0156864 A1 and further in view of Bryan et al. United States Patent Publication No. 2002/0146015 A1.

As per claim 21:

Hefetz et al. teach a method comprising: **providing a manifest file to establish a channel of content in the content distributed network, the manifest file describing channel content, the manifest file further including a portal template, the portal template including at least one dynamic portion** (*Par. 10*) ; **receiving a request for the Web portal from a client system** (*Par. 33*) ; **accessing the portal template in response to the request** (*Par. 55*) ; **including dynamic portion of the portal template to generate a Web portal page** (*Par. 28*) ; and **providing the Web portal page to the client system** (*Par. 33*) .

Hefetz et al. do not explicitly disclose for the links to content cached. However, Kniest Teaches a system, **wherein links to content cached in the content engine** (*See Kniest Par. 306*).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Hefetz et al. to have the links to content cached. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Hefetz et al. and Kniest before him/her, to modify the system of Hefetz et al. to include the links to content cached of Kniest, since it is suggested by Kniest such that, the user can select the current page to download and tract of how long the page has been displayed or read and if it is long enough the WebAngel would search the current page and easily forward cache process from there (*See Kniest Par 309*)

Hefetz et al. as modified do not explicitly disclose for the cache portal template. However, Bryan et al. teach a method, **cache a portion of channel content and to cache the portal template** (*See Bryan et al. Par. 86*).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in combination of Hefetz et al. and Kniest to have the links to content cached. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Hefetz et al. and Kniest and Bryan et al. before him/her, to modify the system of Hefetz et al. and Kniest to include the links to content cached of Bryan et al., since it is suggested by Bryan et al. such that, the stores data can be retrieve from a cache/database for fast access when the user wanted to access his or her individual portal (*See Bryan et al. Par. 63*).

Response to Arguments

8. Applicant's remarks and arguments presented on February 22, 2008 have been fully considered but they are moot in view of the new grounds of rejection presented in this office action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fariborz Khoshnoodi whose telephone number is 571-270-1005. The examiner can normally be reached on M-TH every other F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fariborz Khoshnoodi/
Examiner
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/Tony Mahmoudi/

Primary Examiner, Art Unit 2165